

Chapter Seven: Transportation



Section 7.1 The Importance of Transportation for Homeless Students

Transportation is one of the biggest barriers to regular school attendance and school stability for homeless students. While many local educational agencies (LEAs) struggle to meet the McKinney-Vento requirements for transporting homeless students, the importance of enabling homeless students to continue in their school of origin or to participate fully in school without being hampered by the lack of transportation cannot be overestimated.

Section 7.2 School of Origin Transportation Requirements

The McKinney-Vento Act requires every state and its LEAs to:

...adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin...in accordance with the following, as applicable:

- 1) If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the LEA in which the school of origin is located.
- 2) If the homeless child's or youth's living arrangements in the area served by the LEA of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs are unable to agree upon such method, the responsibility

and costs for transportation shall be shared equally... [42 U.S.C. § 11432 (g)(1)(J)(iii)].

It is important to note that this requirement applies to all LEAs whether or not the LEA receives subgrant funds and whether or not the LEA provides transportation to other students (ED, 2004, H-7).

With regard to the role of the local liaison, the law states that liaisons must ensure: "...the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin...and is assisted in accessing transportation to the school that is selected..." [42 U.S.C. § 11432(g)(6)(A)(vii)]. The Non-Regulatory Guidance further cements this position, by affirming the responsibility of the liaison to coordinate transportation services for homeless students (ED, 2004, F-2).

Section 7.3 Feasibility and Transportation to the School of Origin

In determining the best school for a homeless child or youth to attend (local attendance area school or school of origin), the McKinney-Vento Act states that, to the extent feasible, a school district must educate a homeless child or youth in the school of origin, unless doing so is contrary to the wishes of the parent or guardian [42 U.S.C. § 11432 (g)(3)(B)(i)]. To assist schools and states with determining what is feasible, the U.S. Department of Education (ED) included some considerations in the 2004 Non-Regulatory Guidance:

Factors that an LEA may consider include the age of the child or youth, the distance of a commute and the impact it may have on the student's education, personal safety issues, a student's need for special instruction (e.g., special education and related services), the length of anticipated stay in a temporary shelter or other temporary location, and the time remaining in the school year (ED, 2004, G-4).

Note that the feasibility considerations focus on what is in the best interest of the child, including determining the impact that the distance of commuting to the school of origin might have on the child. Once the local liaison and parents agree that remaining in the school of origin is in the best interest of the child, the school district must provide transportation to and from the school of origin, if requested. An LEA may not refuse to provide

transportation to the school of origin due to lack of an available bus or other resources once this best interest determination has been made.

Section 7.4 Determining the Mode of Transportation

According to Non-Regulatory Guidance, based on the best interest of the student and in consultation with the parent, the LEA ultimately determines the mode of transportation (ED, 2004, H-4); however, it is important to ensure that the mode of transportation does not create barriers to a homeless student's education.

For example, transportation arrangements should ensure that a homeless student is able to participate for the full school day, neither arriving late nor leaving before the school day has ended. Extremely early pick-up times or public bus transfers for young children also may be problematic and should be considered carefully when arranging transportation.

The mode of transportation also should not stigmatize a homeless student or betray the confidentiality of his or her living status. Bus routes, for example, should be arranged such that students staying in homeless shelters can be picked up and dropped off in a way that does not reveal their place of temporary residence. For example, buses can make a stop at the shelter the first stop in the morning and the last stop in the afternoon.

School districts in urban areas are often able to arrange discounts for homeless students to utilize public transportation. If this option is available, you should make sure that the student is old enough to manage riding a city bus or arrange for the parent to ride the bus with the child. Additionally, when the method of transportation chosen by the district is public and the child is too young to travel alone, the district must provide transportation for the parent to and from the temporary residence when needed.

In suburban or rural areas, if parents or unaccompanied homeless youth have working automobiles, many school districts will arrange for the parents to drive their children to school (or for an unaccompanied homeless youth to drive). The LEA may provide a gas card or voucher for the parent or youth. It is important to ensure that the parent or youth understands that the amount provided to pay for gas should be spent only on transportation to and from school. The LEA should also note days when the student is not in attendance and adjust the amount accordingly.

Another consideration for determining the most logical mode of transportation includes safety policies. The McKinney-Vento Act does not override state educational agency (SEA) and LEA safety policies. If, for example, a state or district policy allows students to travel only on a yellow school bus, then the LEA must arrange bus transportation for homeless students. If students are allowed to be transported in cars or taxis, liaisons should consult with the school district attorney regarding liability and requirements for background checks for the drivers.

In addition, the local liaison should consult with the State Coordinator about any other state policies or practices related the transportation of homeless students that may be in place.

Section 7.5 Comparable Services

Homeless students have the right to services comparable to those offered to other students, including transportation [42 U.S.C. §11432 (g)(4)(A)]. For example, transportation during optional summer school is required for a homeless student if it is provided to nonhomeless students. Similarly, homeless students participating in an after-school program have a right to transportation after the program is finished for the day if other students that participate in the program receive transportation home.

Section 7.6 Reviewing and Revising Policies to Remove Educational Barriers

The McKinney-Vento Act states that SEAs and LEAs are responsible for reviewing and revising policies that may act as barriers to the enrollment and retention of homeless children and youth in schools [42 U.S.C. §11432 (g)(7)]. Transportation policies are included, as a lack of transportation can be a considerable barrier for homeless students. Because homeless students often experience challenges not faced by housed students, the provision of services to homeless students may need to extend beyond what is provided to regularly housed students.

LEAs must arrange transportation without delay to meet the McKinney-Vento Act's requirement that homeless students are provided immediate school enrollment, defined as attending classes and participating fully in school activities [42 U.S.C. § 11434a(1)]. This may require an interim

transportation arrangement until a bus route or other suitable transportation is established.

Section 7.7 Funding Resources

The following are available options to provide transportation services to homeless students.

LEA Transportation Funds or General Funds

Providing transportation for homeless students to and from the school of origin when requested is a LEA responsibility mandated in the McKinney-Vento Act. This responsibility exists for all LEAs, even when an LEA may not provide transportation for other students. As such, many districts rely on state transportation or general funds to provide homeless students with school transportation.

McKinney-Vento Subgrants

The McKinney-Vento Act states that LEAs with subgrants may utilize subgrant funds to cover “the excess cost of transportation” [42 U.S.C. § 11433(d)(5)]. While the law does not define this phrase, the expectation is that the LEA will cover the same level of cost for transporting homeless students as other students, before relying on subgrant funds.

The McKinney-Vento subgrant application must include an explanation of what portion of the grant will be allocated for transportation as well as an explanation of the ways other needs will be met. Keep in mind that subgrants are intended to meet a range of needs for homeless students, not just transportation needs. State Coordinators can answer questions about the McKinney-Vento subgrant application process and allowable expenses.

Section 7.8 Title I, Part A and Transportation for Homeless Students

On December 16, 2014, the President signed into law the Consolidated and Further Continuing Appropriations Act, 2015 (H.R. 83), the omnibus funding bill for Fiscal Year (FY) 2015. The Act, which governs the usage of FY2015 funds, and carryover funds from Fiscal Years 2013 and 2014, reauthorizes the authority for Title I, Part A funds to be used to pay for the salary of the local homeless education liaison and school-of-origin transportation for

homeless children and youth that was first authorized under the Consolidated Appropriations Act of 2014. For more information, including a U.S. Department of Education Dear Colleague Letter that provides implementation guidance for SEAs and LEAs, visit <http://center.serve.org/ncche/legis/omnibus.php>.

In addition, according to Non-Regulatory Guidance, Title I, Part A set-aside funds for homeless students may be used for other transportation needs for homeless students, such as transportation to enable a homeless student to participate in an educational activity after school if transportation is not otherwise available. Title I, Part A funds can provide stability to formerly homeless students by transporting formerly homeless students to the school of origin until the end of the school year in which the students become permanently housed (ED, 2004, M-2). Title I, Part A set-aside funds also may be used to provide transportation to enable parents to be more involved in their child's education. See Section 7.15 Links to Resources for the NCHE brief entitled *Serving Students Experiencing Homelessness under Title I, Part A* for more information.

Section 7.9 Collaboration within the LEA

The local liaison, LEA transportation director, and other LEA administrators should work together to develop effective transportation policies and procedures. (See Chapter 15 Managing the Work for more information on developing protocols for the LEA.) With ongoing communication and a clear delineation of responsibilities, LEAs can ensure that homeless students are provided needed transportation in an efficient and timely way and ensure all relevant parties are in the loop regarding what transportation is needed and what the most appropriate modes of transportation are.

Many districts utilize special education buses for transporting homeless students. The U. S. Department of Education's Office of Special Education Programs allows the use of designated special education buses for transporting homeless students as long as the transportation needs of all special education students have been met.

All parties involved in student transportation should be familiar with the McKinney-Vento Act. This includes bus drivers, because they are often the first and last school personnel to come in contact with students experiencing homelessness over the course of a day; as a result, they may develop

supportive relationships with the students. Drivers may assist with identifying students in homeless situations too, as they observe changes in when and where students are picked up or dropped off.

Section 7.10 Collaboration with other LEAs

When LEAs are arranging transportation across school district lines, the school personnel of all LEAs involved should discuss the mode of transportation for each student prior to initiating the transportation. Agreeing upon general guidelines for sharing the responsibility and cost of transporting homeless students among LEAs ahead of time eliminates confusion and conflicts when transportation needs to be arranged immediately for a homeless student. Some LEAs establish memoranda of agreement, while other make arrangements more informally.

Some effective collaboration practices include

- convening a regional joint McKinney-Vento training that includes pupil transportation directors, local liaisons, social workers, and bus drivers;
- convening a regional meeting each year of local liaisons and pupil transportation directors to discuss procedures for arranging transportation for homeless students and to address collaboration challenges;
- identifying a pupil transportation staff person whose primary responsibility it is to arrange transportation for homeless students; and
- establishing an electronic database for homeless students needing and receiving transportation, allowing liaisons and the pupil transportation department to immediately access current transportation commitments.

Most interdistrict disputes can be prevented through good communication and efforts to agree upon transportation arrangements. In the instance in which an interdistrict disagreement about transportation services occurs, the Non-Regulatory Guidance states that interdistrict transportation disputes should be resolved at the SEA level (ED, 2004, H-5). The McKinney-Vento Act's transportation requirements apply while disputes are being resolved [42 U.S.C. §11432(g)(1)(C)].

Section 7.11 Community Collaborations

Local liaisons should establish cooperative relationships with community agencies that serve homeless families, youth, and children. A community-wide commitment to assist homeless families with children and unaccompanied homeless youth can result in resource sharing, including transportation resources. Many LEAs have been able to arrange transportation using shelter or other social service agency vans. Some public transportation systems donate bus passes or other transportation services to school districts for use by homeless students. Community foundations are often willing to contribute to meeting the transportation needs of homeless students as well. Collaboration with housing providers can also reduce transportation costs by encouraging housing partners to consider school proximity when making shelter or other housing placements.

Section 7.12 Transportation to Preschool Services

According to the Non-Regulatory Guidance (ED, 2004), transportation for preschool children experiencing homelessness falls under the comparable services requirement. That is, if an LEA provides transportation for nonhomeless preschool children, it must also provide comparable transportation services for homeless preschool children (ED, 2004, H-8). Conversely, if the LEA does not typically provide transportation for preschool children, it is not mandated to provide transportation for homeless preschoolers. However, a district can always go beyond what is required in the law, and since transportation for homeless preschool children is not a requirement for school districts, Title I, Part A funds could be used without violating supplanting requirements.

Section 7.13 Working with Parents

Parents who are experiencing homelessness generally appreciate being included in decisions involving the education of their children and should be part of the conversation on developing any plans for transporting their children to and from the school of origin. Moreover, parents should be provided with clear expectations for their role in carrying out the plan, such as committing to getting their children to a bus stop on time, notifying the transportation department when a child will not be attending school to avoid unnecessary trips, or following procedures for utilizing gas vouchers.

Appendix 7.A provides a sample transportation contract between an LEA and homeless parents that can be adjusted to meet the needs of an LEA.

Section 7.14 Links to Resources

Issue Brief: *Transporting Children and Youth Experiencing Homelessness*
<http://center.serve.org/nche/downloads/briefs/transportation.pdf>

Monograph: *Increasing School Stability for Students Experiencing Homelessness: Overcoming Challenges to Providing Transportation to the School of Origin*
http://center.serve.org/nche/pr/incr_sch_stab.php

Issue Brief: *Serving Students Experiencing Homelessness Under Title I, Part A*
<http://center.serve.org/nche/downloads/briefs/titlei.pdf>

Tip Sheet: *Transportation for Homeless Children and Youth: Strategies for Rural School Districts*
http://center.serve.org/nche/downloads/rur_trans.pdf

NCHE Website Information by Topic: Transportation
http://center.serve.org/nche/ibt/sc_transport.php

NCHE Website Sample Forms and Materials, Including Interdistrict and Parent Agreements:
<http://center.serve.org/nche/forum/transp.php>

Section 7.15 Resources and Tools for Chapter Seven

Appendix 7.A Transportation Memorandum of Understanding